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DUCKOR SPRADLING METZGER			GUIDOTTI, LAURA COLE	
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			1744	
			DATE MAILED: 10/27/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

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		Application No.	Applicant(s)			
		10/630,442	MCMILLEN, GERALD L.			
	Office Action Summary	Examiner	Art Unit			
		Laura C. Guidotti	1744			
Period fo	The MAILING DATE of this communication app or Reply	pears on the cover sheet with the c	orrespondence address			
A SHOWHIC - External after - If NO - Failu Any o	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING Donsions of time may be available under the provisions of 37 CFR 1.1 SIX (6) MONTHS from the mailing date of this communication. In period for reply is specified above, the maximum statutory period to reply within the set or extended period for reply will, by statute reply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be timwill apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	I. lely filed the mailing date of this communication. D (35 U.S.C. § 133).			
Status						
1)	Responsive to communication(s) filed on 18 A	uaust 2006.				
′=		action is non-final.				
<i>,</i> —	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Dispositi	on of Claims		•			
5)□ 6)⊠ 7)□	Claim(s) 1-28 is/are pending in the application 4a) Of the above claim(s) 22-28 is/are withdraw Claim(s) is/are allowed. Claim(s) 1-21 is/are rejected. Claim(s) is/are objected to. Claim(s) are subject to restriction and/o	vn from consideration.				
Applicati	on Papers					
	The specification is objected to by the Examine	er				
• —	The drawing(s) filed on 29 July 2003 is/are: a)		y the Examiner.			
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
11)	Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Ex					
Priority u	ınder 35 U.S.C. § 119					
12) a)l	Acknowledgment is made of a claim for foreign All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Bureasee the attached detailed Office action for a list	s have been received. s have been received in Applicati rity documents have been receive u (PCT Rule 17.2(a)).	on No ed in this National Stage			
2) Notic	t(s) e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO/SB/08)	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P	ate			
	r No(s)/Mail Date	6)				

U.S. Patent and Trademark Office PTOL-326 (Rev. 08-06)

Art Unit: 1744

DETAILED ACTION

Election/Restrictions

1. Claims 22-28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 18 August 2006.

Applicant's election with traverse of group I, claims 1-21 in the reply filed on 18 August 2006 is acknowledged. The traversal is on the ground(s) that the "Applicant believes that the claims are directed to similar subject matter, and that no separate search need be required". This is not found persuasive because in the restriction requirement the Examiner distinctly indicated five separate inventions, Claims 1-21 drawn to a pressure washing system having a vacuum pump (classified in class 15, subclass 320), claims 22-23 drawn to a method for delivering cleaning fluid (classified in class 134, subclass 10), claims 24-25 drawn to a fluid separator unit (classified in class 210. subclass 500.1), claim 26 drawn to a pumping component having a vacuum pump (classified in class 15 subclass 353), and claims 27-28 drawn to a fluid collector (classified in class 15, subclass 320). These five inventions are distinct because: the method for delivering cleaning fluid can be practiced with an entirely materially different product than a pressure washing system having a vacuum pump such as a device that does not include a fluid pump unit or a fluid collector; the different inventions a pressure washing system having a fluid pump, fluid collector, and vacuum pump and a fluid separator unit having a separator tank and filter pad are unrelated as it is not clear as to

Application/Control Number: 10/630,442 Page 3

Art Unit: 1744

how the pressure washing system (that further includes a settlement tank) is capable of being used with a fluid separator unit; the pressure washing system has an entirely different design, mode of operation, and effects than that of a fluid separator unit, as the fluid separator may be found in other systems such as fluid treatment, air treatment, or other fluid separation systems, and the pressure washing system does not require a fluid separator and is capable of using a settlement tank to remove contaminants from fluid; the different inventions a method for delivering a cleaning fluid, a fluid separator, a pumping component, and a fluid collector are unrelated as that they are not disclosed as necessarily having capable of use together and that they have entirely different designs, mode of operations, and effects than that of each other; the method for delivering a cleaning fluid does not include or would be necessarily capable of use with a fluid separator unit, a pumping component that has a settlement tank or blower, or a fluid collector having an elongated surge barrier; the fluid separator would not be capable of having a method of delivering a cleaning fluid or being used in such a method, would not be capable of having a pumping component, and also would not be capable of having a fluid collector comprising a surge barrier and a suction conduit; the pumping component would not be capable of having a method of delivering a cleaning fluid or being used in such a method, would not be capable of having a fluid separator unit having a separator thank and a filter pad, and also would not be capable of having a fluid collector comprising a surge barrier and a suction conduit; the fluid collector of would not be capable of having a method of delivering a cleaning fluid or being used in

Art Unit: 1744

such a method, would not be capable of having a fluid separator unit having a separator thank and a filter pad, and also would not be capable of having a pumping component.

Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

The requirement is still deemed proper and is therefore made FINAL.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "42" (Figure 1), "128" (Figure 5), "226" and "228" (Figure 11). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Art Unit: 1744

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "208" (Page 17, paragraph 72 line 1). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filling date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 5-19 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 (which depends from claims 1-4) states "A system...further including a vacuum pump unit..." however previously Claim 1 requires "...a vacuum pump unit..." Does the system of claim 5 require a second additional pump unit, does claim 5 failure to limit claim 4 by repeating the limitation of vacuum pump unit, or does the Applicant

Art Unit: 1744

intend to claim an entirely different pump such as the separator pump? This is unclear to the Examiner.

Claim 12 Lines 3-4 which recites "...an integral muffler installed engine driving the blower..." is somewhat unclear to the Examiner. How is the muffler "engine driving the blower"? Is the muffler integral to the discharge outlet or to an engine driving the blower?

Claim 12 recites the limitation "the exhaust outlet" in Line 5. There is insufficient antecedent basis for this limitation in the claim. Does the Applicant intend "the discharge outlet" or is "the exhaust outlet" an entirely different structure?

Claim 15 recites the limitation "said suction collector" in Line 1. There is insufficient antecedent basis for this limitation in the claim. Does Applicant intend "said fluid collector"?

Claim 16 recites the limitation "said perforated suction conduit" in Line 1. There is insufficient antecedent basis for this limitation in the claim. Does Applicant intend claim 16 to depend from claim 15?

Claim 19 recites the limitation "said inside diameter" in Line 1. There is insufficient antecedent basis for this limitation in the claim. Does Applicant intend claim 19 to depend from claim 13?

Claim 21 recites the limitation "the discharge outlet" in Line 2. There is insufficient antecedent basis for this limitation in the claim. Also, Claim 21 recites the limitation "the pump unit" in Line 2 and it is unclear whether it is referring to the fluid

Art Unit: 1744

pump unit or the vacuum pump unit. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 5. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawamoto, US 6,997,395.

Kawamoto discloses the claimed invention including a fluid pump unit (32) for supplying cleaning fluid under pressure to the surface to be cleaned (Column 6 Lines 13-17), a fluid collector (35, 36) for capturing waste fluid runoff of the cleaning fluid on the surface to be cleaned (Column 8 Lines 10-21), and a vacuum pump unit (41) for withdrawing captured waste fluid from the fluid collector (Column 7 Lines 41 to Column 8 Line 21). Regarding claim 2, there are recycling units (11, 12) for enabling the re-use of the withdrawn waste fluid (Figure 4; Column 8 Lines 27-54). Regarding claim 3, the recycling units include a holding tank unit (11) for storing cleaning fluid (100) for the pump unit. Regarding claim 4, there is a settlement tank unit (26) for receiving the

Art Unit: 1744

captured waste fluid from the fluid collector (Figure 2; Column 5 Lines 64-67).

Regarding claim 5, there is a vacuum pump unit (41).

6. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Zell et al., US 4,530,131.

Zell et al. disclose the claimed invention including a fluid pump unit (12) for supplying cleaning fluid under pressure to the surface to be cleaned (Column 3 Lines 1-4), a fluid collector (59) for capturing waste fluid runoff of the cleaning fluid on the surface to be cleaned (Column 4 Lines 17-25), and a vacuum pump unit (14, 58) for withdrawing captured waste fluid from the fluid collector (Column 3 Lines 16-29).

Regarding claim 2, there are recycling units (10, 17, 18, 19) for enabling the re-use of the withdrawn waste fluid (Column 1 Lines 58-62; Column 4 Lines 11-32). Regarding claim 3, the recycling units include a holding tank unit (supply tank, Column 1 Lines 58-62) for storing cleaning fluid (25) for the pump unit. Regarding claim 4, there is a settlement tank unit (others of tanks 10, 17, 18, and 19 that is not the supply tank, Column 1 Lines 58-62, Column 2 Lines 10-19) for receiving the captured waste fluid from the fluid collector (Figure 2; Column 5 Lines 64-67, Column 2 Lines 10-19).

Regarding claim 5, there is a vacuum pump unit (14, 58).

7. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Wisdom et al., US 3,775,053.

Wisdom et al. disclose the claimed invention including a fluid pump unit (28) for supplying cleaning fluid under pressure to the surface to be cleaned (Column 3 Lines 44-52), a fluid collector (33, 34, 35) for capturing waste fluid runoff of the cleaning fluid

Art Unit: 1744

on the surface to be cleaned (Column 3 Lines 54-57, Column 3 Line 62 to Column 4 Line 4), and a vacuum pump unit (16) for withdrawing captured waste fluid from the fluid collector (Column 3 Line 62 to Column 4 Line 9). Regarding claim 2, there are recycling units (11, 12) for enabling the re-use of the withdrawn waste fluid (Column 1 Lines 58-62; Column 4 Lines 11-32). Regarding claim 3, the recycling units include a holding tank unit (12) for storing cleaning fluid (44) for the pump unit. Regarding claim 4, there is a settlement tank unit (11) for receiving the captured waste fluid from the fluid collector (Figure 1, Column 3 Lines 54-56). Regarding claim 5, there is a vacuum pump unit (16). Regarding claim 6, there is a separator (25) that receives a waste fluid from the settlement tank to remove contaminants therefrom to provide a clarified fluid to the holding tank (Column 4 Lines 29-40). Regarding claim 7, the system further includes a fluid heating unit (43) capable of providing a heated cleaning fluid under pressure being supplied to the surface to be cleaned (see Figure 1). It is noted that the fluid pump unit includes a positive displacement piston pump having a single input port (Column 8 Lines 15-20, Figure 1).

8. Claims 1-10, 13-14, and 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Rohrbacher, US 5,718,015.

Rohrbacher discloses the claimed invention including a fluid pump unit (30) for supplying cleaning fluid under pressure to the surface to be cleaned (Column 4 Lines 33-34), a fluid collector (52, 62, 63) for capturing waste fluid runoff of the cleaning fluid on the surface to be cleaned (Column 5 Lines 41-55), and a vacuum pump unit (310) for withdrawing captured waste fluid from the fluid collector (Column 5 Lines 51-57).

Art Unit: 1744

Regarding claim 2, there are recycling units (400, 403, 404, 500, 501, 20, 30, 41) for enabling the re-use of the withdrawn waste fluid (Column 4 Lines 14-25; Figure 7). Regarding claim 3, the recycling units include a holding tank unit (20) for storing cleaning fluid for the pump unit. Regarding claim 4, there is a settlement tank unit (400; or 403, 404) for receiving the captured waste fluid from the fluid collector (Figures 5-7). Regarding claim 5, there is a vacuum pump unit (310). Regarding claim 6, there is a separator (500, 501) that receives a waste fluid from the settlement tank to remove contaminants therefrom to provide a clarified fluid to the holding tank (Column 7 Lines 45-50, Column 8 Lines 12-19). Regarding claim 7, the system further includes a fluid heating unit (40) capable of providing a heated cleaning fluid under pressure being supplied to the surface to be cleaned (Column 4 Lines 37-40). Regarding claim 8, the fluid heating unit (40) includes a fluid heating tank (40; as the unit is shown as a tank in Figure 1) for receiving fluid under pressure from the fluid pump unit (Column 4 Lines 55-57), and a burner for heating the fluid in the heating tank (Column 4 Lines 58-63). Regarding claim 9, there is a controller (switch, Column 4 Lines 58-63) capable of monitoring the temperature of fluid flowing into and out of the fluid heating tank and for controlling the burner should the temperatures of the fluid flowing into or out of the fluid heating tank is other than a desired temperature (Column 4 Lines 58-63). Regarding claim 10, the separator includes a separator tank (500 or 501) confining a filter pad therein (100; Column 7 Lines 45-50) having multiple layers composed of polypropylene fiber material (Column 6 Line 62 to Column 7 Line 35). Regarding claim 13, the vacuum

pump unit *fluidly* includes an inlet (360) and a vacuum relief valve having a spring

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Art Unit: 1744

loaded valve member (Column 5 Line 64 to Column 6 Line 4, Column 6 Lines 31-38). Regarding claim 14, the settlement tank unit (400) includes at least one settlement tank (400) having an inlet (a fluid inlet at 425), the tank having a filter screen therein dividing the tank into at least two compartments (433), having a filter bag disposed "over" the settlement tank inlet (first filter bag 100 at the leftmost side fluidly over the inlet, see Figure 5), and having a sump pump (401) for discharging fluid from the settlement tank (Figure 7). Regarding claims 16-17, there is a perforated suction conduit (62) that has a set of angularly disposed inlets (63), the inlets disposed at an angle from the vertical near the surface to be cleaned between about 10 and 20 degrees or about 15 degrees (as arranged in Figure 3; or a user may be capable of tipping the sprayer 50 so that the inlets are disposed in that range of angles). Regarding claim 18, the suction conduit is generally circular in configuration (as it is a ring, or has a circular diameter; Figures 3, 3A) and has an inside diameter of between about one inch and about 2.5 inches (Column 8 Line 49, 1" diameter). Regarding claim 19, an inside diameter (of the suction conduit) is about 1.5 inches (Column 8 Line 49, 1" diameter).

9. Claims 1 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Cannan, US 3,958,298.

Cannan discloses the claimed invention including a fluid pump unit (60) for supplying cleaning fluid under pressure to the surface to be cleaned (Figure 15; Column 4 Lines 29-31), a fluid collector (30, 44, 50, 52, or 66) for capturing waste fluid runoff of the cleaning fluid on the surface to be cleaned (Column 4 Lines 29-42), and a vacuum pump unit (80, 82) for withdrawing captured waste fluid from the fluid collector (Column

. . . .

Art Unit: 1744

5 Lines 38-42). Regarding claim 15, the suction or fluid collector (30, 44, 50, 52, or 66) is substantially hollow throughout its length (see all Figures having the collector) and includes an elongated perforated surge barrier (the outer wall of the fluid collector 30 that is perforated at 34 and is capable of acting as a surge barrier) and a perforated suction conduit being disposed within the hollow interior of the barrier (the perforated suction conduit is considered to be 44, 50, 52 that are perforated in Figures 8-10 and portions of which are disposed interiorly of the barrier).

10. Claims 1 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Ellison et al., US 4,723,337.

Ellison et al. disclose the claimed invention including a fluid pump unit (22) for supplying cleaning fluid under pressure to the surface to be cleaned (Column 2 Lines 28-35), a fluid collector (30, 31) for capturing waste fluid runoff of the cleaning fluid on the surface to be cleaned (Column 2 Lines 58-61), and a vacuum pump unit (40) for withdrawing captured waste fluid from the fluid collector (Column 2 Lines 58-67). Regarding claim 21, the fluid pump unit includes a bypass valve (at 26) for recirculating fluid from a discharge outlet from the pump unit (Figure 2; Column 2 Lines 47-54).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Art Unit: 1744

11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wisdom, US 3,775,053 as applied to claim 5 in view of Colt et al., US 3,831,223.

Wisdom discloses all elements mentioned above, however does not disclose that that a blower has a discharge outlet including two mufflers connected in fluid communication with the discharge outlet.

Colt et al. teaches a similar cleaning system that includes a vacuum pump unit (55) including a blower (59) having a discharge outlet (outlet of 57 connected to 61, Figure 2), two mufflers connected in fluid communication with the discharge outlet (74, 75), an integral muffler installed nearest an engine driving the blower (75, it is "integrally" part of the system or capable of being manufactured to be integral), and a second muffler (74) connected in fluid communication with an exhaust outlet (78) in order to provide a cleaning apparatus that is quiet in operation (Column 2 Lines 30-34).

It would have been obvious for one of ordinary skill in the art to modify the vacuum unit and blower of the system of Wisdom for one that includes two mufflers connected in fluid communication with the discharge outlet, as Colt et al. teaches, in order to reduce the noise so that the apparatus can be operated quietly.

12. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellison et al., US 4,723,337 as applied to claim 1 in view of Wisdom, US 3,775,053.

Ellison et al. discloses all elements mentioned above, further including a fluid pump unit (22) having a pair of inlet ports (from 24 and 35, Figure 2) and a discharge outlet (at 27, 28, 29), a tee (36) supplying fluid of both inlet ports (Figure 2), and a pressure relief valve connected in fluid communication with the discharge outlet (26;

Art Unit: 1744

Figure 2). Ellison et al. does not disclose that the fluid pump (which has a pressure range of 0 to 1000 psi, Column 2 Line 33) is specifically a positive displacement piston pump.

Wisdom, as mentioned above, includes a fluid pump unit that has a positive displacement piston pump (Column 8 Lines 15-20) and is capable of delivering fluid in a range of 30 to 40 psi (Column 8 Line 17).

It would have been obvious for one of ordinary skill in the art to substitute the fluid pump of Ellison et al. for a positive displacement piston pump, as Wisdom teaches, as it is a known pump capable of delivering fluid at a pressure of 30 or 40 psi.

Allowable Subject Matter

13. Claim 11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

None of the prior art made of record includes a fluid pump unit for supplying cleaning fluid under pressure to the surface to be cleaned, a fluid collector for capturing waste fluid runoff of the cleaning fluid on the surface to be cleaned, a vacuum pump unit for withdrawing captured waste fluid from the fluid collector, recycling units for enabling the re-use of the withdrawn waste fluid, the recycling units include a holding tank unit for storing cleaning fluid for the pump unit, a settlement tank unit for receiving the captured

communicating with the inlet compartment.

Art Unit: 1744

waste fluid from the fluid collector, a vacuum pump unit, a separator that receives a waste fluid from the settlement tank to remove contaminants therefrom to provide a clarified fluid to the holding tank, wherein said separator including a separator tank confining a filter pad therein having multiple layers composed of polypropylene material, wherein the separator tank includes a perforated baffle, the filter pad being folded over the perforated baffle within an inlet compartment, and an outlet compartment

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Guidotti whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Page 16

Application/Control Number: 10/630,442

The Control Humber: Toroco, 11

Art Unit: 1744

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Laura C Guidotti
Patent Examiner
Art Unit 1744

lcg